

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of )  
911 Call-Forwarding Requirements for Non- ) PS Docket No. 08-51  
Service-Initialized Phones )

To: The Commission

**REPLY COMMENTS OF  
CTIA – THE WIRELESS ASSOCIATION®**

CTIA – The Wireless Association® (“CTIA”) hereby submits these reply comments in response to the above-captioned Notice of Proposed Rulemaking (“NPRM”) proposing to sunset the requirement that wireless carriers transmit all 9-1-1 calls including those from non-service-initialized (“NSI”) handsets, *i.e.*, the “all calls” rule.<sup>1</sup> The record confirms what CTIA observed in its initial comments<sup>2</sup>:

- Today, there continue to be millions of legitimate calls made to 9-1-1 from NSI handsets, as well as 9-1-1 calls from service-initialized handsets that temporarily appear as NSI. A sunset of the all calls rule would cause significant confusion and uncertainty for wireless callers. Thus, the Commission should maintain the all calls rule and ensure that these callers can reliably reach Public Safety Answering Points (“PSAPs”).
- PSAPs are in the best position to address the concerns about fraudulent and illegitimate 9-1-1 calls through call-blocking within their own networks or customer-premises equipment (“CPE”).

Moreover, given the impracticalities of any alternative approaches on wireless carrier networks, any consumer education campaign accompanying a sunset of the all calls rule would

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<sup>1</sup> *911 Call-Forwarding Requirements for Non-Service-Initialized Phones*, Notice of Proposed Rulemaking, 30 FCC Rcd 3449 (2015) (“NPRM”).

<sup>2</sup> *See* Comments of CTIA – The Wireless Association®, PS Docket No. 08-51 (filed June 5, 2015) (“CTIA Comments”).

confuse consumers and undermine confidence in wireless 9-1-1 capabilities. Accordingly, the record demonstrates that the Commission should simply retain the existing rule.

**I. THE RECORD DEMONSTRATES THAT THE COMMISSION SHOULD PRESERVE THE ALL CALLS RULE GIVEN PUBLIC EXPECTATIONS AND RISKS POSED TO VALID CALLS TO 9-1-1.**

**A. The Public Continues to Rely on the All Calls Rule.**

In its initial comments, CTIA noted that the all calls rule continues to serve important public safety interests.<sup>3</sup> Other commenters agree. As the City of Philadelphia observes, “[t]he public has come to rely on the fact that NSI [devices] are capable of calling 9-1-1....”<sup>4</sup> Each year, millions of legitimate emergency calls to 9-1-1 are made from NSI wireless handsets and service-initialized handsets that temporarily appear as NSI. Legitimate NSI emergency calls are unlikely to decrease in the near future as various organizations continue to promote the use of NSI wireless handsets specifically for 9-1-1 purposes. Indeed, the Commission should preserve the all calls rule that continues to serve and protect numerous people at particular risk.

Although CTIA appreciates the concerns raised by some commenters about fraudulent and non-emergency 9-1-1 calls, the fact nevertheless remains that a significant number of NSI calls to 9-1-1 require emergency assistance. For example, the Hawaii County PSAP reports that “the number of legitimate NSI calls to 911 is greater than the number of non-emergency or fraudulent NSI calls to 911.”<sup>5</sup> According to data submitted into the record by

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<sup>3</sup> See CTIA Comments at 2-3.

<sup>4</sup> Comments of the City of Philadelphia, PS Docket No. 08-51, at 4 (filed June 1, 2015) (“City of Philadelphia Comments”).

<sup>5</sup> Comments of the National Association of State 911 Administrators, PS Docket No. 08-51, at 3 (filed June 5, 2015) (“NASNA Comments”); see also City of Philadelphia Comments at 4 (stating that the City receives legitimate 9-1-1 calls from NSI devices).

TeleCommunication Systems, Inc. (“TCS”), between five million and seventeen million calls to 9-1-1 from NSI wireless handsets last year were “legitimate.”<sup>6</sup> As these figures only account for the calls routed by TCS, sunseting the all calls rule could impact tens of thousands of calls *every day* to 9-1-1 from users of NSI wireless handsets in need of emergency assistance.

Moreover, the record demonstrates that the Commission’s proposed sunset of the all calls rule is not uniformly supported by the public safety or consumer advocacy communities. For example, the National Association of State 911 Administrators (“NASNA”) notes that local jurisdictions within its member states and its member states themselves have differing opinions on whether the Commission should sunset the all calls rule.<sup>7</sup> Further, consumer advocates, some public safety entities, and industry representatives highlight that the all calls rule enables 9-1-1 calling capability for some of the constituencies most in need of access to emergency services:

- An NSI device use is an “essential life-line for many domestic violence victims.”<sup>8</sup> Despite the availability of cheaper devices, services, and programs, the National Network to End Domestic Violence (“NNEDV”) reports that 60 percent of survivor programs still provide NSI devices.<sup>9</sup>
- Elderly individuals that have been sold 9-1-1-only devices would be harmed by a sunset of the rule.<sup>10</sup> Indeed, “there appear to be new products that rely on NSI devices to reach

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<sup>6</sup> Notice of Ex Parte of TeleCommunication System, Inc., PS Docket No. 08-51, Attachment at 8- 9 (filed June 26, 2015) (“TCS Ex Parte”); Comments of TeleCommunication Systems, Inc., PS Docket No. 08-51, at 3 (filed June 5, 2015) (“TCS Comments”).

<sup>7</sup> NASNA Comments at 1.

<sup>8</sup> *Id.* at 3.

<sup>9</sup> Comments of National Network to End Domestic Violence, PS Docket No. 08-51, at 1-2 (filed June 1, 2015) (“NNEDV Comments”).

<sup>10</sup> NASNA Comments at 4. The National Association of State 911 Administrators (“NASNA”) also notes that local jurisdictions within its member states and its member states themselves have differing opinions on the need to maintain the all calls rule. *Id.* at 1.

911 in the event of an emergency ... contradict[ing] the suggestion that technological advancements have reduced the need to provide NSI devices with access to 911.”<sup>11</sup>

- Service-initialized calls that temporarily appear as NSI are a particular issue for roaming subscribers of “many small, rural and mid-tier carriers that often have smaller footprints and limited roaming agreements.”<sup>12</sup>

The record makes clear that many people, including many of the most vulnerable in our society, rely on the all calls rule to make legitimate 9-1-1 calls using NSI wireless handsets. While the wireless industry does not promote the use of NSI wireless handsets for 9-1-1-only purposes, organizations representing or working with at-risk communities have demonstrated the ongoing public expectation that any network compatible wireless handset can be used to reach 9-1-1. Based on the record in this proceeding, the Commission should preserve the all calls rule because millions of 9-1-1 callers continue to rely on the rule.

**B. Commenters Recognize that a Sunset Could Affect 9-1-1 Calls from Service Initialized Wireless Handsets that Temporarily Appear as NSI, but No Viable Solutions Are Offered that Would Enable Wireless Carriers to Address These Concerns.**

Numerous commenters specifically recognize the importance of forwarding calls to 9-1-1 from service initialized wireless handsets that temporarily appear as NSI, but the record contains no viable solutions that would enable wireless carriers to address all these calls if the Commission sunsets the all calls rule. The City of Philadelphia, for example, states that “[i]f the call-forwarding requirement is eliminated, ... providers *must* ensure a service-initialized phone

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<sup>11</sup> Comments of Mission Critical Partners, Inc., PS Docket No. 08-51, at 7 (filed June 5, 2015) (“MCP Comments”).

<sup>12</sup> Comments of the Competitive Carriers Association, PS Docket No. 08-51, at 7 (filed June 5, 2015) (“CCA Comments”).

can still call 9-1-1 if it appears to be an NSI device,”<sup>13</sup> but does not propose a fix. Likewise, NASNA states that 9-1-1 calls from service-initialized devices that appear to be from NSI devices “need to be forwarded, because the circumstances that made the call a NSI call may be no fault of the caller.” Nonetheless, NASNA simply “presume[s] that carriers would be able to distinguish calls made in these types of circumstances from calls made from true NSI devices.”<sup>14</sup> Unfortunately, carriers cannot.<sup>15</sup> As described more fully below, the record lacks evidence of any solution that will ensure that all service initialized calls appearing as NSI will be forwarded to 9-1-1 if the Commission sunsets the all calls rule. Based on the record in this proceeding, the Commission should preserve the all calls rule because carriers have no way to filter and forward all of the types of calls that may temporarily appear as NSI to 9-1-1.

**C. The Record Reflects Significant Liability Concerns with the Proposed Sunset of the All Calls Rule.**

Finally, commenters agree with CTIA that legitimate concerns regarding liability risks would be raised if the Commission moved forward with the proposed sunset.<sup>16</sup> CCA points out that the Commission “may not achieve the goal it seeks to promote through a sunset of the requirement” because, among other reasons, “carriers may nonetheless continue to forward NSI calls to 911 under state regulations or out of an abundance of caution...”<sup>17</sup> In addition, AT&T

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<sup>13</sup> City of Philadelphia Comments at 4 (emphasis added).

<sup>14</sup> NASNA Comments at 5.

<sup>15</sup> *See, e.g.*, CCA Comments at 6, n.12 (“[T]here is still a significant underlying issue of being able to properly distinguish NSI devices from service-initialized devices....”).

<sup>16</sup> *See* CTIA Comments at 5.

<sup>17</sup> *Id.* at 3. Recognizing these risks to achieving the Commission’s goals, the Association of Public-Safety Communications Officials-International, Inc. (“APCO”) suggests that the FCC *prohibit* carriers from forwarding 9-1-1 calls from NSI devices instead of merely adopting a

notes that in the event it were even technically and economically feasible for a CMRS provider to distinguish legitimate NSI 9-1-1 calls from illegitimate ones – and it is not – “CMRS providers would have to be guaranteed absolute liability protection in the event that a blocked NSI call turned out to be a legitimate 911 call or in the event other errors are made in call blocking.”<sup>18</sup> Given these liability issues, the Commission should preserve the all calls rule.

## **II. THE RECORD SHOWS THAT PSAPS ARE BEST POSITIONED TO ADDRESS FRAUDULENT OR ILLEGITIMATE CALLS TO 9-1-1 FROM NSI WIRELESS HANDSETS.**

Several commenters urge the FCC to explore technological solutions to address the concerns about fraudulent or other illegitimate 9-1-1 calls from NSI devices. However, only one technological solution identified in the record is sufficiently granular and readily available: call blocking solutions implemented on PSAP networks.

Call blocking solutions implemented on PSAP networks can best address fraudulent or illegitimate calls to 9-1-1 from NSI wireless handsets. As TCS describes, blocking at the PSAP level would “allow individual PSAPs to develop their own determination methods – a cost/benefit analysis, for example – of when to block an NSI wireless 911 call.”<sup>19</sup> TCS also observes that call blocking at the PSAP level can resolve funding issues, noting that such solutions “could be funded by such jurisdictions in such a way that their overall costs would still

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sunset. Comments of APCO, PS Docket No. 08-51, at 3 (filed June 5, 2015) (“APCO Comments”) (emphasis added).

<sup>18</sup> Comments of AT&T Services, Inc., PS Docket No. 08-51, at 3 (filed June 5, 2015) (“AT&T Comments”); *see also* TCS Comments at 9 (stating that a “NSI wireless 911 call blocking approach creates certain liabilities that must be addressed”).

<sup>19</sup> TCS Comments at 9.

be reduced.”<sup>20</sup> Moreover, as AT&T notes, “[t]he public safety community is in the best position to identify fraudulent NSI calls. For that reason, the best place to implement any per call blocking solution would be at the PSAP call taker equipment where these types of screening features are common.”<sup>21</sup> In sum, call blocking managed by the PSAPs “provide[s] a viable solution.”<sup>22</sup>

In contrast, some commenters suggest various concepts that lack technical standards or proven solutions that wireless carriers could deploy to filter 9-1-1 calls from NSI wireless handsets based on whether the calls are valid or unwanted. For example, the Boulder Regional Emergency Telephone Service Authority states that it would be preferable, “if cost effective,” to identify NSI devices from which 9-1-1 calls are made, identify the location of such calls, and identify the callers from current or past subscription information.<sup>23</sup> Mission Critical Partners, Inc. suggests a centralized registration system that would enable a call back mechanism so that carriers could block, throttle, deprioritize, and limit the number of calls from problematic devices.<sup>24</sup> And NENA states that carriers should monitor the International Mobile Equipment Identity and International Mobile Subscriber Identity (“IMEI/IMSI”) of NSI devices and identify

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<sup>20</sup> *Id.*

<sup>21</sup> AT&T Comments at 3.

<sup>22</sup> TCS Comments at 9.

<sup>23</sup> Comments of the Boulder Regional Emergency Telephone Service Authority, PS Docket No. 08-51, at 3 (filed June 5, 2015).

<sup>24</sup> MCP Comments at 8-9.

devices that appear to be making a suspiciously large number of 9-1-1 calls, and require affirmative user action to complete such calls.<sup>25</sup>

In making these proposals, commenters offer no real-world illumination as to how the proposals would actually be developed, implemented, or managed. They lack specificity regarding a technological solution; appear to require the development of new technical standards; and fail to articulate which entity would administer any new system, who would have access to, and who would control access to caller information. Thus, unlike call blocking implemented by PSAPs, these “solutions” raise more questions than answers.

### **III. THE COMMISSION SHOULD PRESERVE THE ALL CALLS RULE BECAUSE PUBLIC EDUCATION ABOUT A SUNSET WOULD BE CONFUSING AND INEFFECTIVE.**

Commenters generally agree that any change to the all calls rule would require a significant commitment to consumer education.<sup>26</sup> However, defining the appropriate target audience, message and messenger of such a campaign demonstrates why the Commission should preserve the all calls rule.

NASNA recommends an “aggressive and *targeted* campaign,”<sup>27</sup> but the message would presumably vary by target audience. For example, for the general public it would not be sufficient to simply explain the difference between wireless handsets that are service initialized and those that are non-service initialized, because sunseting of the rule would threaten calls

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<sup>25</sup> Comments of NENA: The 9-1-1 Association, PS Docket No. 08-51, at 4 (filed June 4, 2015).

<sup>26</sup> See, e.g., APCO Comments at 2; AT&T Comments at 1-2; NASNA Comments at 4-5; TCS Comments at 4-5.

<sup>27</sup> NASNA Comments at 4-5 (emphasis added).

from *both* categories of devices: all NSI calls would be at risk, while some calls from service initialized devices could also be blocked, i.e., when they temporarily appear as non-service initialized. On the other hand, it is possible that many carriers would opt to continue to carry all calls even in the absence of the rule, including calls from NSI handsets, in light of the liability concerns identified above.<sup>28</sup> An education campaign about the sunset of the all calls rule would be especially confusing to the extent carriers continued to deliver all 9-1-1 calls.

In the event different carriers adopted different practices, the challenge of crafting a meaningful message would be made even more difficult. Nor could this be solved by simply having each carrier make disclosures about its own practices, because that would just result in a cacophony of messages providing no certainty as to how any particular 9-1-1 call would be handled when the need arose. Meanwhile, targeting educational messages to people who knowingly use NSI wireless handsets for 9-1-1 might deter illegitimate calls, but it would be at the risk of deterring thousands of legitimate calls as well. Even if that trade-off somehow made sense, wireless carriers would be the least capable of identifying or reaching out to users of NSI wireless handsets because, by definition, carriers have no relationship with such users.

For these reasons, CTIA strongly urges that the Commission preserve the all calls rule because an education campaign about a sunset would be confusing, ineffective and undermine confidence in wireless 9-1-1 capabilities.

#### **IV. CONCLUSION**

For the reasons stated above, CTIA believes that the record demonstrates a balance of public interest factors that weighs in favor of maintaining the all calls rule and encouraging

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<sup>28</sup> See, e.g., CCA Comments at 3.

PSAPs to combat fraudulent calls from NSI handsets through call-blocking within their own networks or CPE.

Respectfully submitted,

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